LAW OF LAND WARFARE
The Means and Methods of War

34TH Infantry "Red Bull" Division

Outline of Part One

- Duty to Train
- Legal Bases for the Use of Force
- Means and Methods of Warfare
  - Targets
  - Weapons
  - Tactics
  - Rules of Engagement

Duty to Train

- United States has a duty to suppress law of war violations.
  - Geneva Convention, Art. 146, cl. 3
- DOD Directive 5100.77 (1979)
  - Required Armed Forces to implement a training program to prevent law of war violations

Duty to Train

- JCS Message (1988)
  - Required training
  - Required judge advocates to review all plans, ROE, policies and directives

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- CJCS Instruction (1996)
  - Required judge advocates to be immediately available to Commanders at all appropriate levels to provide LOW advice

Duty to Train

- AR 350-41 (1993) Requires Commanders to conduct training on LOW that
  - Is commensurate with unit mission
  - Reinforces principles of the Soldier's Rules
  - Is designed around current missions and contingency plans
  - Is integrated into unit training activities and field exercises

Legal Bases for the Use of Force

- Individual/ national self-defense
  - UN Charter, Art. 51

Legal Bases for the Use of Force

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  - UN Charter, Art. 51
- Collective self-defense
  - UN Charter, Art. 51

Legal Bases for the Use of Force

- UN Enforcement actions
  - UN Charter, Ch. VII

Legal Bases for the Use of Force

- UN Enforcement actions
  - UN Charter, Ch. VII
- Peacekeeping Actions
  - UN Charter, Ch. VI
- Regional Actions
  - UN Charter, Art. 52

Legal Bases for the Use of Force

- Protection of nationals
  - UN Charter Art. 51
- Suppression of Piracy
  - Customary International Law
- Invitation
  - Customary International Law

Legal Bases for the Use of Force

- Anticipatory Self-Defense
- Peacetime Reprisal
- Humanitarian Intervention
- Self-Help

Means and Methods of Warfare

- Targets
- Weapons
- Tactics
- Rules of Engagement

Targets

Targets - People

- Combatants

Targets - People

- Combatants
- Non Combatants
  - Civilians

Targets - People

- Combatants
- Non Combatants
  - Civilians
  - *Hors de Combat*

Targets - People

- Combatants
- Non Combatants
  - Civilians
  - *Hors de Combat*
  - Medical Personnel

Targets - People

- Combatants
- Non Combatants
  - Civilians
  - *Hors de Combat*
  - Medical Personnel
  - Personnel Protecting Cultural Property
  - Journalists

Targets - Places

- Defended Places
- Undefended Places
- Natural Environment

Targets - Places

- Protected Places
  - –Hospitals
  - –“Safety Zones”
  - –Cultural Sites

Targets - Property

- Military Objectives

Targets - Property

- Military Objectives
- Protected Property
  - Civilian Property
  - Medical Units and Establishments
  - Medical Transports
  - Cultural Property

Targets - Property

- Works and Installations Containing Dangerous Forces
- Objects Indispensable to the Survival of the Civilian Population Civilian Property

Weapons

Weapons

- Legal Review Performed on All U.S. Weapons

Weapons

- Legal review performed on all U.S. weapons
- Weapons may be illegal
  - *Per se*
  - By Use
  - By Agreement

Specific Weapons Issues

- Small Arms Projectiles

Specific Weapons Issues

- Small Arms Projectiles
- Fragmentation

Specific Weapons Issues

- Small Arms Projectiles
- Fragmentation
- Land Mines and Booby Traps

Specific Weapons Issues

- Small Arms Projectiles
- Fragmentation
- Land Mines and Booby Traps
- Incendiaries

Specific Weapons Issues

- Small Arms Projectiles
- Fragmentation
- Land Mines and Booby Traps
- Incendiaries
- Lasers

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- Small Arms Projectiles
- Fragmentation
- Land Mines and Booby Traps
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- Lasers
- Chemical Weapons

Specific Weapons Issues

- Small Arms Projectiles
- Fragmentation
- Land Mines and Booby Traps
- Incendiaries
- Lasers
- Chemical Weapons
  - Riot Control Agents

Specific Weapons Issues

- Small Arms Projectiles
- Fragmentation
- Land Mines and Booby Traps
- Incendiaries
- Lasers
- Chemical Weapons
  - Riot Control Agents

Specific Weapons Issues

- Herbicides
- Biological Weapons
- Nuclear Weapons

Tactics

- Psychological Operations

Tactics

- Psychological Operations
- Ruses

Tactics

- Psychological Operations
- Ruses
  - Use of Enemy
    - Property
    - Colors
    - Uniforms

Tactics

- Treachery and Perfidy
  - Definitions
    - Perfidy
    - Feigning
    - Misuse

Tactics

- Feigning Incapacitation
- Feigning Surrender

Tactics

- Feigning Incapacitation
- Feigning Surrender
- Feigning Civilian, Non-combat Status
- Feigning other Protected Status

Tactics

- Feigning Incapacitation
- Feigning Surrender
- Feigning Civilian, Non-combat Status
- Feigning other Protected Status
- Misuse of Symbols/ Signals

Tactics

- Assasination

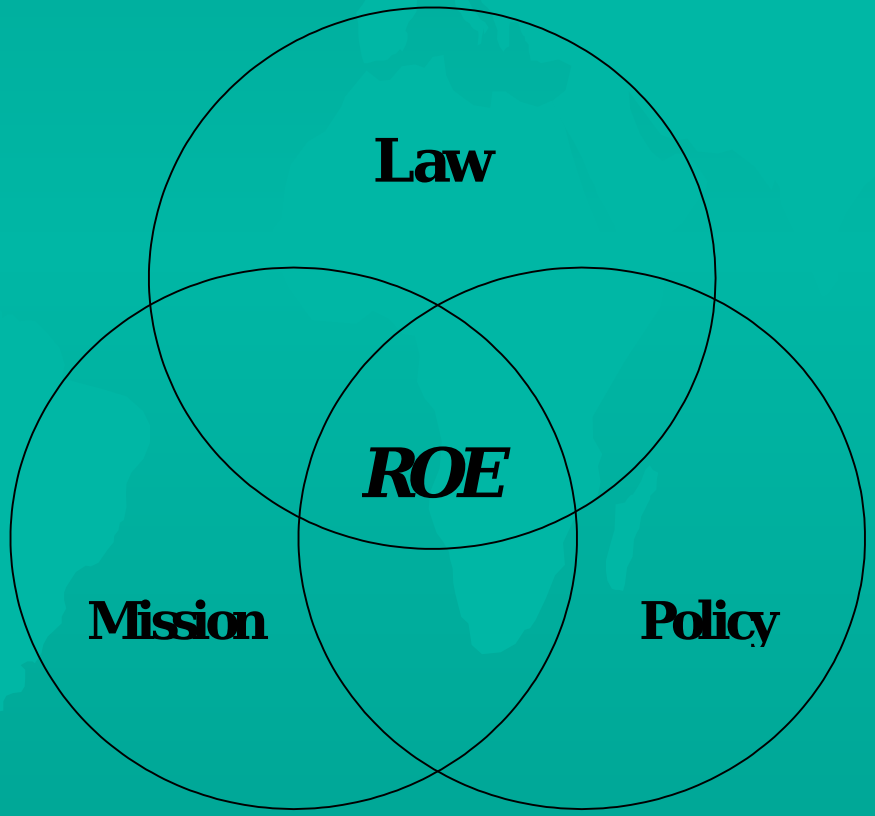
Tactics

- Assasination
- Espionage

Tactics

- Assasination
- Espionage
- Reprisals

RULES OF ENGAGEMENT



RULES OF ENGAGEMENT

- Understandable
- Memorable
- Applicable

RULES OF ENGAGEMENT

- Not a mere restatement of the Law of War

RULES OF ENGAGEMENT

- Standing Rules of Engagement for US Forces
- CJCSI 3121.01
- Effective 1 Oct 1994

RULES OF ENGAGEMENT

- Hostility Criteria
- Scale of Force
- Protection of property and foreign nationals
- Weapons control status
- Arming orders
- Use of weapons systems
- Eyes on target
- Geographical restraints
- Manpower
- Restrictions on targets and means of warfare

RULES OF ENGAGEMENT

- Any Commander may request Supplemental ROE
- ROE rises through COC to Appropriate Approval Authority
  - Intermediate Levels may disapprove
- Serialize all Requests!

RULES OF ENGAGEMENT (RAMP RULES)

- **R**eturn fire with armed fire
- **A**nticipate attack
- **M**easure the amount of force that you use, if time and circumstances exist
- **P**rotect with deadly force only human life and . . . Designated property

Questions?

Outline of Part Two

- Treatment of POWs and Detainees
- Treatment of Wounded and Sick
- Treatment of Civilians
- Treatment of Property
- War Crimes